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Signed and Filed: April 10, 2008

A handwritten signature in dark ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

ELKE VORHEIS

Debtor(s)

DOWNEY SAVINGS AND LOAN  
ASSOCIATION F.A.,

Movant

v.

ELKE VORHEIS, Debtor and Debtor-In-  
Possession

Respondent

) CHAPTER: 11

) CASE NO.: 07-31560 TEC

) RS No. JDL-37

**ORDER GRANTING ADEQUATE  
PROTECTION**

) Hearing Date/Time: 4/7/08 @ 1:00 p.m.

) Judge: T. Carlson

) Dept: 23

The hearing in the above-entitled case was held on the date, at the time, and in the department above-referenced, with Downey Savings and Loan Association, F.A. ("Downey") being represented by and through counsel, and other appearances being made as set forth on the record in open court, and an Affidavit of Service of all Respondents and of the U.S. Trustee having been filed with the Court, and the Court having considered the matter, and good cause appearing therefor, IT IS HEREBY ORDERED as follows:

**TERMS**

1  
2           1. Commencing in April 2008, Debtor shall timely pay and perform all post-petition  
3 obligations to accrue under Downey's Note and Deed of Trust, and shall pay directly to Downey all  
4 post-petition payments and applicable late charges to accrue thereunder, on the real property located  
5 at **227 Village Way, South San Francisco, CA** (the "Property"). Each payment is currently  
6 **\$2,026.31** (but is subject to change), and is due on the first day of the calendar month during which  
7 the same accrues, and a late charge of **\$101.14** accrues with respect to any payment not received by  
8 Downey on or before the 16th day of the month during which it becomes due.  
9

10  
11           2. Debtor shall repay the post-petition arrearages owed to Downey within eight (8) months  
12 of the hearing date on Downey's Motion. Downey's attorney's fees and costs incurred in this case  
13 are hereby allowed and shall be included in the post-petition arrearages to be repaid by the Debtor  
14 under this paragraph.  
15

16           3. Any payment to be made or notice to be given to Downey shall be delivered only to:  
17 Downey Savings and Loan Association F.A., 3501 Jamboree Road, 3rd Floor, North Tower,  
18 Newport Beach, California 92660, Attention: Foreclosure Supervisor, or at such other place as may  
19 be noticed to Debtor, and shall reference loan number 9022403893.  
20

21           4. If Debtor shall fail to make any of the payments or perform any other obligations in the  
22 time, amount, and/or manner required by this Order and/or Downey's Note and Deed of Trust,  
23 Downey shall mail notice of the default to Debtor, with a copy of the notice faxed to Debtor's  
24 attorney. If the default is not wholly cured in certified funds within ten (10) days of the mailing of  
25 the notice, Downey shall be released from the Stay provided under 11 U.S.C. §362(a) with respect  
26 to the Property without further notice, court hearing, or order. Notwithstanding the foregoing,  
27 after Debtor has wholly cured all post-petition arrearages set forth in paragraph 2 of this Order, if  
28

1 Debtor thereafter defaults under the terms of this Order, Downey shall mail notice of the default to  
2 Debtor, with a copy of the notice faxed to Debtor's attorney, and if the default is not wholly cured  
3 in certified funds within ten (10) days of the mailing of the notice, then Downey may restore its  
4 motion for relief from stay to the Court's calendar by giving 15 days prior written notice to Debtor  
5 and Debtor's counsel.  
6

7 LET JUDGMENT BE ENTERED ACCORDINGLY.

8  
9 Approved As To Form And Content:

10 DATED: April 8, 2008

/s/ Joey DeLeon  
Joey DeLeon, Attorney for Downey Savings

11  
12 DATED: April 8, 2008

/s/ Stephen Finestone  
Stephen Finestone, Esq., Attorney for Debtor

13  
14 **\*\* END OF ORDER \*\***  
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**COURT SERVICE LIST**

Debtor(s):

ELKE VORHEIS  
227 Village Way  
South San Francisco, CA 94080

Debtor(s) Attorney (if any):

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456 Montgomery Street, 20th Floor  
San Francisco, CA 94104

U.S. Trustee

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